

MAIL DATE

OCT 05 2004

REQUEST  
FORCONTINUED EXAMINATION (RCE)  
TRANSMITTAL

OCT 04 2004

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/902,634
Filing Date	July 10, 2001
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1646
Examiner Name	Chernyshev, Olga N.
Attorney Docket Number	39780-1618P2C30

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☒ Affidavit(s)/Declaration(s) – Sherman Fong, Ph.D., with Exhibits A-I
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other – Substitute Specification; Statement under C.F.R. 1.125(b).

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F. R. § 1.17(i) required)
- b. ☐ Other

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-1618P2C30)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) = \$790.00
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507
Signature	Daphne Reddy	Date	OCTOBER 4, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: October 4, 2004

Name (Print/Type)	CHERYL ROGERS	Date: October 4, 2004
Signature	Cheryl Rogers	Express Mail Label: EL 993 689 409 US

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop \_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

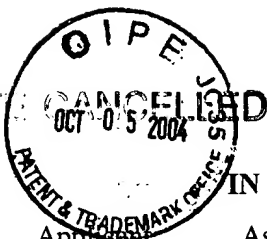
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al.

Docket No.: 39780-1618P2C30

Serial No.: 09/902,634

Group Art Unit: 1646

Filing Date: July 10, 2001

Examiner: Olga Chernyshev



**SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

AS: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER 37 C.F.R. §1.125(b)**

Sir:

I hereby state, as required by 37 C.F.R. §1.125(b), that the accompanying substitute specification includes no new matter. I further submit that the changes requested in the accompanying amendment do not include new matter and merely requests the same changes previously entered by amendment in the above and parallel applications.

Respectfully submitted,

Date: October 4, 2004

Daphne Reddy  
Daphne Reddy  
Reg. No. 53,507

**HELLER EHRMAN WHITE & McAULIFFE LLP**

**Customer No. 35489**

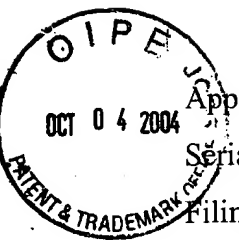
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-1618P2C30  
Serial No.: 09/902,634 Group Art Unit: 1646  
Filing Date: July 10, 2001 Examiner: Chernyshev, Olga N.

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND  
NUCLEIC ACIDS ENCODING THE SAME**

**EXPRESS MAIL LABEL NO. EL 993 689 409 US**

**Date Mailed: October 4, 2004**

**PRELIMINARY AMENDMENT**

**MS: RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination (RCE) under 37 CFR § 1.114 for the above identified application. A Notice of Appeal was filed August 4, 2004 in this case. This RCE filing and Preliminary amendment are being timely filed with necessary fees. Accompanying this filing is a "Substitute Specification" with a Statement filed under 37 CFR § 1.125(b), a Declaration by Sherman Fong, Ph.D with exhibits A-I and a copy of his curriculum vitae. Entry of the substitute specification, declaration and amendments are respectfully requested.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 10 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.